

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH MAQUADE CHESLEY,

Plaintiff(s),

V.

CITY OF MESQUITE, et al.,

Defendant(s).

Case No. 2:21-cv-01946-GMN-DJA

Order

[Docket No. 36]

11 On December 9, 2021, the Court set this matter for an early neutral evaluation to be held
12 on February 16, 2022. Docket No. 15. Pending before the Court is a stipulation, filed on February
13 8, 2022, to continue that early neutral evaluation. Docket No. 36. The stipulation represents that
14 settlement discussions will not be fruitful while Defendants' motions to dismiss are pending. *Id.*
15 at 2. As the name suggests, *early* neutral evaluations take place shortly after a defendant first
16 appears in a case (by way of answer, motion to dismiss, or otherwise). *See Local Rule 16-6(d).*¹
17 Given that the parties want to engage in alternative dispute resolution only after these motions are
18 decided, the Court construes the stipulation as representing that an early neutral evaluation would
19 be futile in this case. Accordingly, the Court **VACATES** the early neutral evaluation and
20 **EXEMPTS** this case from the early neutral evaluation program. *See Local Rule 16-6(c).* The
21 stipulation to continue the early neutral evaluation is **DENIED** as moot.

IT IS SO ORDERED.

Dated: February 8, 2022

Nancy J. Koppe
United States Magistrate Judge

²⁷ The Court may hold an early neutral evaluation at a later date upon a showing of good cause. Local Rule 16-6(d). The Court declines to find that the mere pendency of a motion to dismiss—which is a common occurrence—constitutes good cause for such relief.